

1 BILL NO. Z-83- 03-10

2 ZONING MAP ORDINANCE NO. Z-

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. P-3.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
6 INDIANA:

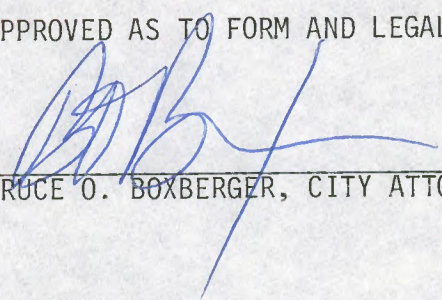
7 SECTION 1. That the area described as follows is hereby designated
8 an M-3 (Heavy Industrial) District under the terms of Chapter 33 of the
9 Code of the City of Fort Wayne, Indiana of 1974:

10 Lots #22, 23, 24 & 25 of Wildings First Addition
11 and the symbols of the City of Fort Wayne, Zoning Map No. P-3, as established
12 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana
13 are hereby changed accordingly.

14 SECTION 2. That this Ordinance shall be in full force and effect
15 from and after its passage and approval by the Mayor and the legal publication
16 thereof.

17
18 
19 COUNCILMEMBER

20
21 APPROVED AS TO FORM AND LEGALITY

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23 BRUCE O. BOXBERGER, CITY ATTORNEY
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Read the first time in full and on motion by Stier, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____.M.,E.S.T.

DATE: 3-8-83 Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Stier, seconded by Salinas, and duly adopted, placed on its passage. ~~PASSED~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>9</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GIAQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHOMBURG</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCRUGGS</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: _____ ~~CHARLES W. WESTERMAN~~ - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____.

ATTEST: (SEAL)

~~CHARLES W. WESTERMAN~~ - CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____.M.,E.S.T.

~~CHARLES W. WESTERMAN~~ - CITY CLERK

Approved and signed by me this _____ day of _____ 19____, at the hour of _____ o'clock _____.M.,E.S.T.

WIN MOSES, JR. - MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Clifford F. Setser, Sr.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an M1 District to a/an M3 District the property described as follows:

lots 22, 23, 24 & 25 of Wildings First Addition
1917, 1921, 1925 & 1931 E. Creighton Avenue

(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Clifford F. Setser, Sr.</u>	<u>3318 E. Tillman Rd.</u>	<u>Clifford F. Setser Sr.</u>
_____	_____	_____
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by Nick Derloshon

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Clifford F. Setser Sr.</u>	<u>3318 E. Tillman Rd Ft Wayne IN</u>	<u>745-4309</u>
(Name)	(Address & Zip Code) <u>46816</u>	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 8, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-03-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 21, 1983;

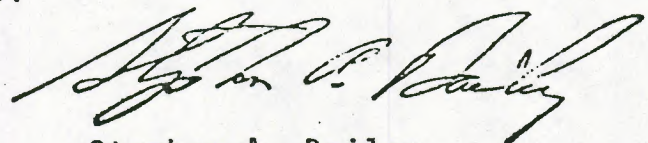
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following Findings of Fact:

- (1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 22, 1983.

Certified and signed this
25th day of August, 1983.



Stephen A. Bailey
Secretary

BILL NO. Z-83-03-10

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. P-3

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do not PASS.

JAMES S. STIER, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

VICTURE L. SCRUGGS

MARK E. GIAQUINTA

ROY J. SCHOMBURG

John
Janet G. Bradbury
Victure Scruggs
Mark E. Giaquinta
Roy J. Schomburg

Concurred in 9-13

Sandra E. Kennedy

RECEIPT

Cash

COMMUNITY DEVELOPMENT & PLANNING

No 8152

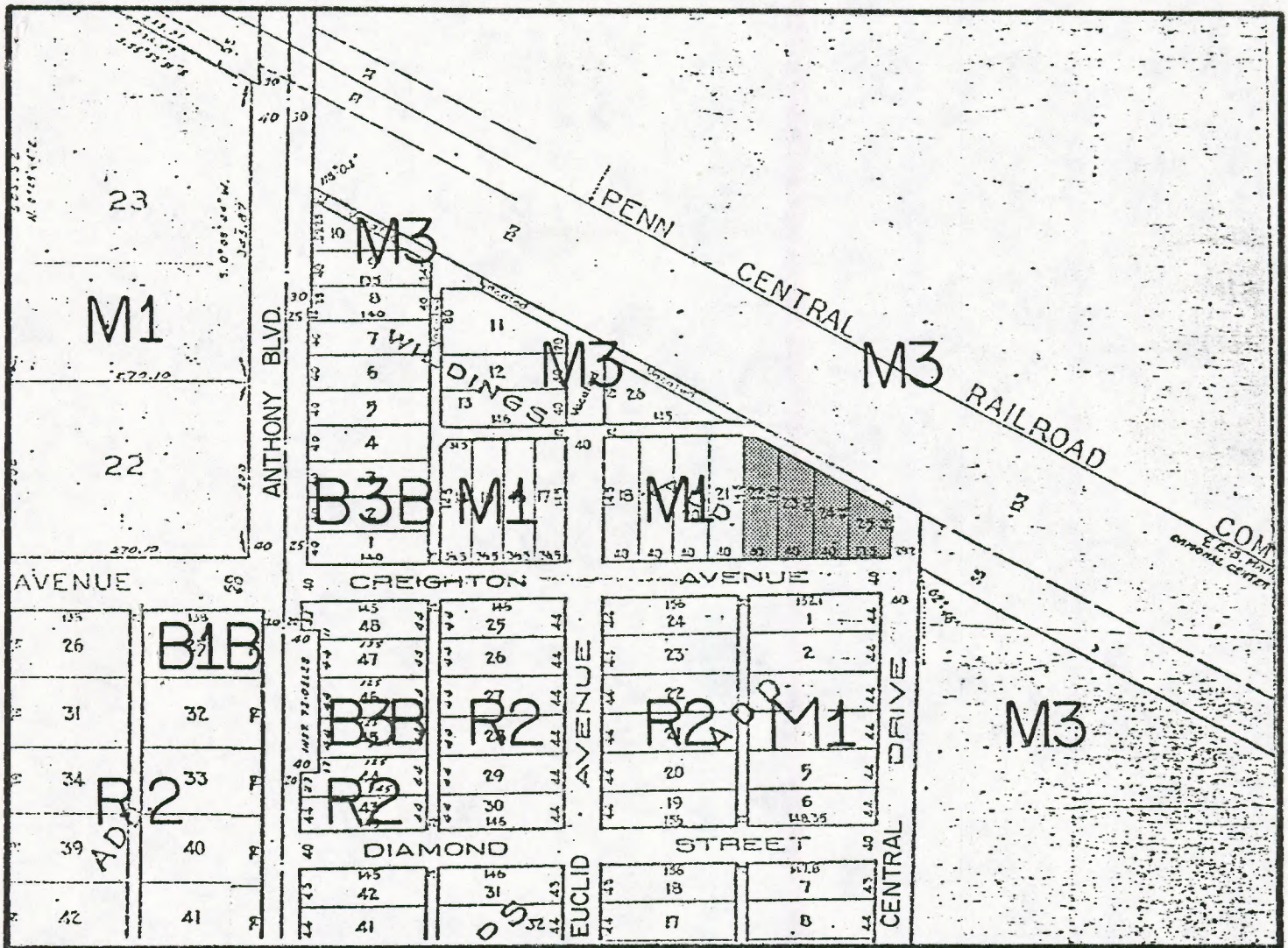
FT. WAYNE, IND., *2-2* 19*83*


RECEIVED FROM *Clifford Setser* \$ *50.00*

THE SUM OF *fifty* ⁰⁰ DOLLARS

ON ACCOUNT OF *paying M-1 to M-2*

[Signature]
AUTHORIZED SIGNATURE



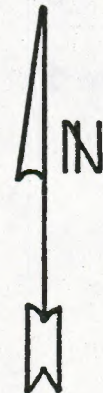
 A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN M-1 TO AN M-3.

MAP NO. P-3

DATE: 2-2-83

Z-83-03-10

BY M. A. GECOWETS





THE CITY OF FORT WAYNE
DIVISION OF LAND USE MANAGEMENT

Department of Community Development & Planning

25 August 1983

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

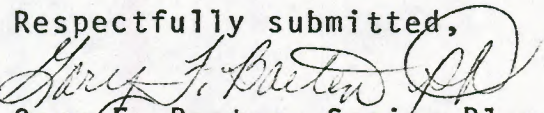
Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held August 22, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-83-03-10
2. From: M-1 to M-3
3. Intended Use: Storage Area for "Cliff Setser Motors"
4. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reason:

REASON: This rezoning was originally given a do pass recommendation in March of 1983 with condition. The condition has not been met within the six (6) month allotted time period. The Commission therefore reconsidered the request and recommends a DO NOT PASS recommendation.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

Gary F. Baeten, Senior Planner

GFB:pb

Attachments



ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

3-83-63-10 6211

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Lots 22, 23, 24 & 25 in Wildings First Addition.

EFFECT OF PASSAGE Property is now zoned M-1 - Light Industrial. Property will become M-3 - General Industry.

EFFECT OF NON-PASSAGE Property will remain M-1 - Light Industrial.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____